

REMARKS

Claims 1-12 are pending.

Claims 5-12 are withdrawn

Claims 1 and 2 are rejected.

Claims 3 and 4 are objected to.

Claims 1 and 3 are amended

Amended claims 1 and 3

Applicants have amended claim 1 to require R1 represent hydrogen only.

Claim 3 is amended to make consistent with claim 1.

No new matter has been added.

35 USC 102(b)

Claims 1 and 2 are rejected under 35 USC 102(b) as being anticipated by Fogg et. al., *Analytica Chimica Acta*, 362(2-3), 235-240, 1998.

Examiner is of the opinion that Fig. 1 of Fogg et. al anticipates.

The Applicants have amended claim 1, to limit R1 to hydrogen only. Thus there is now no overlap between Fig. 1 of Fogg and the present claim 1.

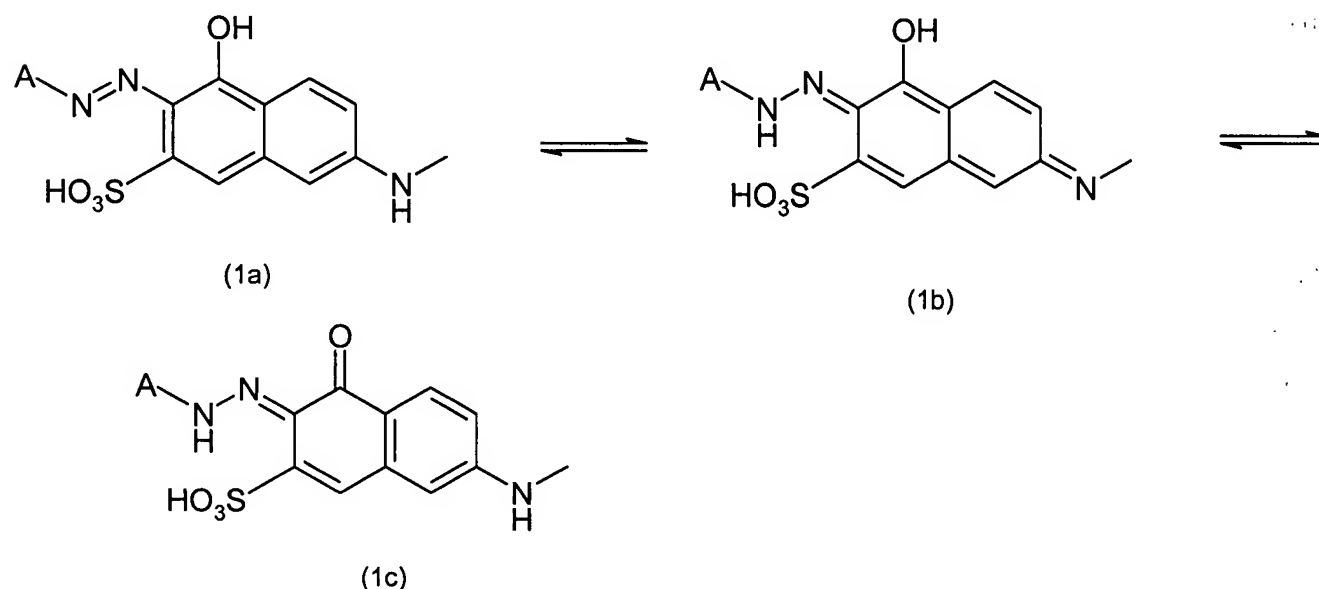
35 USC 103(a)

Claims 1 and 2 are rejected under 35 USC 103(a) as being unpatentable over Fogg *Analytica Chimica Acta*, 362(2-3), 235-240, 1998.

The Examiner is of the opinion that the reference differs from that claimed in that it is a homolog. The group that corresponds to R1 is methyl instead of hydrogen or ethyl. As explained above the Applicants have amended R1 to encompass only hydrogen. From the Examiner's rejection it is clear that she considers hydrogen to be an obvious homolog of methyl.

Homologs are considered prima facie obvious because it is assumed that similar structures will have similar properties. However, when a hydrogen replaces a methyl group and the hydrogen is on an oxygen or nitrogen (thus forming an -OH and/or -NH) in conjugation with an azo group, the azo group

may exist in a number of different tautomeric forms, which may be exemplified by the following structural variations of the compound of formula (1):



The dye molecule as such will exist in the form of an "average" of such structural variations, each of which will exhibit different spectral properties, i.e. shades of the dye and may also influence their application properties.

When the hydrogen atom is replaced by an alkyl residue, uncharged structures such as (1b), above are no longer possible with the result that equivalent spectral properties cannot be anticipated.

Thus the basis of the prima facie obvious rejection is unsound (that hydrogen is equivalent to alkyl) in structures of presently claimed formula (1).

Reconsideration and withdrawal of the rejection of claims 1-2 is respectfully solicited in light of the remarks and amendments *supra*.

Since there are no other grounds of objection or rejection, passage of this application to issue with claims 1-2 is earnestly solicited.

Applicants submit that the present application is in condition for allowance. In the event that minor amendments will further prosecution, Applicants request that the examiner contact the undersigned representative.

Respectfully submitted,



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